



Reprinted
March 18, 2005

ENGROSSED

SENATE BILL No. 483

DIGEST OF SB 483 (Updated March 17, 2005 6:05 pm - DI 75)

Citations Affected: IC 3-5; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 9-24; IC 9-29; noncode.

Synopsis: Voter identification. Requires a precinct election officer to ask a voter to provide proof of identification before the voter is permitted to vote. Provides that a proof of identification is a document issued by the United States or the state of Indiana that shows: (1) the name of the individual to whom the document was issued; and (2) a photograph of that individual. Allows the use of a document that expired after the date of the most recent general election. Specifies that a voter who is unable or declines to produce proof of identification at the polls receives a provisional ballot if the voter signs the affidavit required for a provisional ballot. Requires the county election board to count the provisional ballot if: (1) the voter appears before the board after leaving the polls and before noon on the Monday following the election, and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, (Continued next page)

Effective: July 1, 2005.

Heinold, Lawson C, Hershman

(HOUSE SPONSORS — BROWN T, WALORSKI, HEIM, THOMAS)

January 18, 2005, read first time and referred to Committee on Elections and Civic Affairs.
February 7, 2005, amended, reported favorably — Do Pass.
February 21, 2005, read second time, amended, ordered engrossed.
February 22, 2005, engrossed.
February 28, 2005, read third time, passed. Yeas 31, nays 17.

HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Elections and Apportionment.
March 15, 2005, amended, reported — Do Pass; Roll Call: yeas 50, nays 46.
March 17, 2005, read second time, amended, ordered engrossed.

C
o
p
y

ES 483—LS 7899/DI 75+



because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason. Specifies that voters casting an absentee ballot or voters who vote from certain health facilities at which the precinct polls are located are not required to provide proof of identification. Requires a voter who registered by mail and is voting for the first time in a county election to continue to provide the documentation required by federal law as well as producing proof of identification. Adds cross-references concerning poll lists. Provides that the bureau of motor vehicles may not impose a fee for the issuance of a identification card when an individual does not have a valid Indiana driver's license and will be at least 18 by the next general, municipal, or special election.

**C
o
p
y**



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 483

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-40.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 40.5. "Proof of identification" refers to a document
4 that satisfies all the following:**

5 (1) **The document shows the name of the individual to whom
6 the document was issued, and the name conforms to the name
7 in the individual's voter registration record.**

8 (2) **The document shows a photograph of the individual to
9 whom the document was issued.**

10 (3) **The document includes an expiration date, and the
11 document:**

12 (A) **is not expired; or**

13 (B) **expired after the date of the most recent general
14 election.**

15 (4) **The document was issued by the United States or the state
16 of Indiana.**

17 SECTION 2. IC 3-10-1-7.2 IS ADDED TO THE INDIANA CODE

ES 483—LS 7899/DI 75+



C
o
p
y

1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2005]: Sec. 7.2. (a) Except as provided in subsection (e), a voter
3 who desires to vote an official ballot at a primary election shall
4 provide proof of identification.

5 (b) Except as provided in subsection (e), before the voter
6 proceeds to vote in a primary election, a member of the precinct
7 election board shall ask the voter to provide proof of identification.
8 The voter must produce the proof of identification before being
9 permitted to sign the poll list.

10 (c) If:

11 (1) the voter is unable or declines to present the proof of
12 identification; or

13 (2) a member of the precinct election board determines that
14 the proof of identification presented by the voter does not
15 qualify as proof of identification under IC 3-5-2-40.5;

16 a member of the precinct election board shall challenge the voter
17 as prescribed by IC 3-11-8.

18 (d) If the voter executes a challenged voter's affidavit under
19 section 9 of this chapter or IC 3-11-8-22, the voter may:

20 (1) sign the poll list; and

21 (2) receive a provisional ballot.

22 (e) A voter who votes in person at a precinct polling place that
23 is located at a state licensed care facility where the voter resides is
24 not required to provide proof of identification before voting in a
25 primary election.

26 SECTION 3. IC 3-11-8-25 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) Except as
28 provided in subsection (e), a voter who desires to vote an official
29 ballot at an election shall provide proof of identification.

30 (b) Except as provided in subsection (e), before the voter
31 proceeds to vote in the election, a member of the precinct election
32 board shall ask the voter to provide proof of identification. The
33 voter shall produce the proof of identification before being
34 permitted to sign the poll list.

35 (c) If:

36 (1) the voter is unable or declines to present the proof of
37 identification; or

38 (2) a member of the precinct election board determines that
39 the proof of identification provided by the voter does not
40 qualify as proof of identification under IC 3-5-2-40.5;

41 a member of the precinct election board shall challenge the voter
42 as prescribed by this chapter.

C
o
p
y



(d) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

- (1) The voter's name.
- (2) The voter's current residence address.

~~(b)~~ (g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

- (1) ask the voter to provide the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

~~(e)~~ (h) This subsection applies after December 31, 2003: The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, **in addition to the proof of identification required under subsection (b)**, a piece of identification described in subsection ~~(d)~~ (i) to the poll clerk.

~~(d)~~ (i) This subsection applies after December 31, 2003: As required by 42 U.S.C. 15483, **in addition to the proof of identification required under subsection (b)**, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

C
o
p
y



- (1) a current and valid photo identification; or
- (2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

~~(e)~~ **(j)** ~~This subsection applies after December 31, 2003.~~ If a voter presents a document under subsection ~~(d)~~ **(i)**, the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

~~(f)~~ **(k)** ~~This subsection applies after December 31, 2003.~~ If a voter required to present documentation under subsection ~~(d)~~ **(i)** is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

~~(g)~~ **(l)** ~~This subsection applies after December 31, 2003.~~ The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

~~(h)~~ **(m)** This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

- (1) furnished with a list certified under IC 3-7-29; and
- (2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(i)~~ **(n)** If, in a precinct governed by subsection ~~(h)~~ **(m)**:

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.

~~(j)~~ **(o)** This section expires January 1, 2006.

SECTION 4. IC 3-11-8-25.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.1. (a) This section

C
o
p
y



applies after December 31, 2005.

(b) Except as provided in subsection (f), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(c) Except as provided in subsection (f), before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(d) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(e) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(f) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

~~(b)~~ (g) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection ~~(f)~~, (l), the voter's current residence address.

~~(e)~~ (h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or

C
o
p
y



update a voter identification number at the polls.

(i) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

~~(d)~~ **(j)** In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(e)~~ **(k)** If, in a precinct governed by subsection ~~(e)~~ **(h)**:

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

~~(f)~~ **(l)** Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 5. IC 3-11-8-25.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.2. (a) This section applies after December 31, 2005.

(b) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, **in addition to the proof of identification required by section 25.1(b) of this chapter**, a piece of identification described in subsection (c) to the poll clerk.

(c) As required by 42 U.S.C. 15483, **and in addition to the proof of identification required by section 25.1(b) of this chapter**, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) A current and valid photo identification.

C
o
p
y



(2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(d) If a voter presents a document under subsection (c), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(e) If a voter required to present documentation under subsection (c) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(f) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

SECTION 6. IC 3-11-8-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.5. If an individual signs the individual's name and either:

(1) signs the individual's address; or

(2) after December 31, 2005, checks the "Address Unchanged" box;

on the poll list under section 25 **or 25.1** of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

SECTION 7. IC 3-11-8-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. **(a) This section does not apply to a list kept by a poll clerk under section 10.5 of this chapter.**

(b) A precinct election board may not keep a poll list other than the poll list required by section 25 **or 25.1** of this chapter.

SECTION 8. IC 3-11-10-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.2. An absentee voter is not required to provide proof of identification when:**

(1) mailing, delivering, or transmitting an absentee ballot under section 1 of this chapter; or

(2) voting before an absentee board under this chapter.

SECTION 9. IC 3-11-10-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. **(a)** If an absentee ballot is challenged under section 21 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the

C
o
p
y



1 affidavit required to be made by a voter when challenged at the polls
2 while voting in person. ~~In all other respects~~

3 **(b) Except as provided in subsection (c), the challenge procedure**
4 **under this section** is the same as though the ballot was cast by the
5 voter in person.

6 **(c) An absentee voter is not required to provide proof of**
7 **identification.**

8 **(d)** If a proper affidavit is made that would entitle the absentee voter
9 to vote if the absentee voter had personally appeared, then the absentee
10 ballot shall be placed in the ballot box.

11 SECTION 10. IC 3-11.5-4-16 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) If an absentee
13 ballot is challenged under section 15 of this chapter, the absentee
14 voter's application for an absentee ballot shall be considered as the
15 affidavit required to be made by a voter when challenged at the polls
16 while voting in person. ~~In all other respects;~~

17 **(b) Except as provided in subsection (c), the challenge procedure**
18 **under this section** is the same as though the ballot was cast by the
19 voter in person.

20 **(c) An absentee voter is not required to provide proof of**
21 **identification.**

22 ~~(b)~~ **(d)** If a proper affidavit by a qualified person in the form
23 required by IC 3-11-8-22 is made that would entitle the absentee voter
24 to vote if the absentee voter had personally appeared, the couriers shall
25 return the affidavit to the county election board in the same envelope
26 as the certificate returned under section 9 of this chapter.

27 ~~(c)~~ **(e)** The absentee ballot cast by the challenged voter shall be
28 counted if the county election board makes the findings required under
29 section 11 of this chapter.

30 SECTION 11. IC 3-11.7-2-3 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The precinct
32 election board shall affix to the envelope the challenger's affidavit and
33 the affidavit executed by the provisional voter under section 1 of this
34 chapter.

35 **(b) The form of the envelope is prescribed under IC 3-6-4.1-14.**
36 **The envelope must permit a member of a precinct election board**
37 **to indicate whether the voter has been issued a provisional ballot**
38 **as the result of a challenge based on the voter's inability or**
39 **declination to provide proof of identification.**

40 ~~(b)~~ **(c)** Except as provided in subsection ~~(c)~~ **(d)** and in accordance
41 with 42 U.S.C. 15482, the precinct election board shall securely keep
42 the sealed envelope, along with the affidavits affixed to the envelope,

C
o
p
y



in another envelope or container marked "Provisional Ballots".

~~(c)~~ (d) This subsection applies to the sealed envelope and the affidavits affixed to the envelope of a provisional voter described in section 1(a)(3) of this chapter. As required by 42 U.S.C. 15482, the precinct election board shall keep the sealed envelope or container separate from the envelope or container described in subsection ~~(b)~~. (c). The envelope or container described in this subsection must be labeled "Provisional Ballots Issued After Regular Poll Closing Hours".

SECTION 12. IC 3-11.7-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

(1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.

(2) The provisional voter is a qualified voter of the precinct **and has provided proof of identification, if required, under IC 3-10-1 or IC 3-11-8.**

(3) Based on all the information available to the county election board, including:

(A) information provided by the provisional voter;

(B) information contained in the county's voter registration records; and

(C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot. The board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) ~~This subsection applies after December 31, 2003.~~ Except as provided in section 5 of this chapter, a provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the

C
o
p
y



documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day.

SECTION 13. IC 3-11.7-5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. (a) A voter who:**

(1) was challenged under IC 3-10-1 or IC 3-11-8 as a result of the voter's inability or declination to provide proof of identification; and

(2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.

(b) Except as provided in subsection (c) or (e), if the voter:

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:

(1) the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day; and

(2) the voter:

(A) is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee; or

(B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or

**C
o
p
y**



1 declination to present proof of identification to the precinct
2 election board.

3 (d) If the county election board determines that the voter
4 described in subsection (c) has been challenged solely for the
5 inability or declination of the voter to provide proof of
6 identification, the county election board shall:

7 (1) find that the voter's provisional ballot is valid; and

8 (2) direct that the provisional ballot be:

9 (A) opened under section 4 of this chapter; and

10 (B) processed in accordance with this chapter.

11 (e) If the county election board determines that a voter
12 described in subsection (b) or (c) has been challenged for a cause
13 other than the voter's inability or declination to provide proof of
14 identification, the board shall:

15 (1) note on the envelope containing the provisional ballot that
16 the voter has complied with the proof of identification
17 requirement; and

18 (2) proceed to determine the validity of the remaining
19 challenges set forth in the challenge affidavit before ruling on
20 the validity of the voter's provisional ballot.

21 (f) If a voter described by subsection (a) fails by the deadline for
22 counting provisional ballots referenced in subsection (a) to:

23 (1) appear before the county election board; and

24 (2) execute an affidavit in the manner prescribed by
25 subsection (b) or (c);

26 the county election board shall find that the voter's provisional
27 ballot is invalid.

28 SECTION 14. IC 3-11.7-5-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) If the board
30 determines that the affidavit executed by the provisional voter has not
31 been properly executed, that the provisional voter is not a qualified
32 voter of the precinct, **that the voter failed to provide proof of**
33 **identification when required under IC 3-10-1 or IC 3-11-8**, or that
34 the provisional voter did not register to vote at a registration agency
35 under this article on a date within the registration period, the board
36 shall make the following findings:

37 (1) The provisional ballot is invalid.

38 (2) The provisional ballot may not be counted.

39 (3) The provisional ballot envelope containing the ballots cast by
40 the provisional voter may not be opened.

41 (b) If the county election board determines that a provisional ballot
42 is invalid, a notation shall be made on the provisional ballot envelope:

C
o
p
y



1 "Provisional ballot determined invalid".

2 SECTION 15. IC 9-24-16-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. **(a)** The bureau may
4 adopt rules under IC 4-22-2 and prescribe all forms necessary to
5 implement this chapter. **However, the bureau may not impose a fee**
6 **for the issuance of:**

- 7 (1) an original;
8 (2) a renewal of an; or
9 (3) a duplicate;

10 identification card to an individual described in subsection (b).

11 **(b) An identification card must be issued without the payment**
12 **of a fee or charge to an individual who:**

- 13 (1) does not have a valid Indiana driver's license; and
14 (2) will be at least eighteen (18) years of age at the next
15 general, municipal, or special election.

16 SECTION 16. IC 9-29-3-14 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) **Except as**
18 **provided in IC 9-24-16-10**, the service charge for an identification
19 card issued under IC 9-24 is fifty cents (\$0.50) and one-half (1/2) of
20 each fee collected as set forth in IC 9-29-9-15.

21 (b) Fifty cents (\$0.50) of each service charge collected under
22 subsection (a) shall be deposited in the state motor vehicle technology
23 fund established by IC 9-29-16-1.

24 SECTION 17. IC 9-29-9-15 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. **Except as**
26 **provided in IC 9-24-16-10**, the fees for the issuance, renewal, or
27 duplication of identification cards under IC 9-24-16 are as follows:

- 28 (1) For a person at least sixty-five (65) years of age or a person
29 with a physical disability and not entitled to obtain a driving
30 license, two dollars (\$2).
31 (2) For any other eligible person, four dollars (\$4).

32 SECTION 18. [EFFECTIVE JULY 1, 2005] **(a) It is the intent of**
33 **the general assembly that no fee or charge be imposed for the**
34 **issuance of:**

- 35 (1) an original;
36 (2) a renewal of an; or
37 (3) a duplicate;

38 identification card to an individual described in subsection (b).

39 **(b) An identification card must be issued without the payment**
40 **of a fee or charge to an individual who:**

- 41 (1) does not have a valid Indiana driver's license; and
42 (2) will be at least eighteen (18) years of age at the next

C
o
p
y



- 1 general, municipal, or special election.
- 2 (c) Before January 1, 2006, the bureau of motor vehicles shall
- 3 amend 140 IAC 8-3-20 to remove all fees and charges imposed for
- 4 the issuance of an identification card to an individual described in
- 5 subsection (b).
- 6 (d) This SECTION expires January 1, 2006.

**C
o
p
y**



SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Senate Bill 483.

HEINOLD

**C
o
p
y**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 483, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, after "document" insert "**or documents**".

Page 1, line 4, delete "satisfies" and insert "**satisfy**".

Page 1, delete lines 7 through 8, begin a new line block indented and insert:

"(2) The document:

(A) shows a photograph of the individual to whom the document was issued;

(B) was issued by the bureau of motor vehicles under IC 9-24-16-3.5 to an individual who has a religious objection to being photographed; or

(C) satisfies the documentation requirements:

(i) issued by the bureau of motor vehicles under IC 9-24-11-2; and

(ii) used by the bureau as proof of identification for the new issuance of a driver's license, permit, or identification card."

Page 1, line 9, delete "." and insert "**, or if the document is expired, it expired after the date of the most recent general or municipal election."**

Page 2, line 23, delete "If a voter swears or affirms under the penalties of".

Page 2, delete lines 24 through 29.

Page 3, line 7, delete "If a voter swears or affirms under the penalties of".

Page 3, delete lines 8 through 13.

Page 5, line 9, delete "If a voter swears or affirms under the penalties of".

Page 5, delete lines 10 through 15.

Page 5, after line 34, begin a new paragraph and insert:

"SECTION 5. IC 9-24-16-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. The bureau shall issue an identification card without a photograph or computerized image to an individual who signs a written statement under the penalties for perjury that states that the voter has a religious objection to being photographed.

C
o
p
y



SECTION 6. An emergency is declared for this act."

and when so amended that said bill do pass.

(Reference is to SB 483 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 2.

**C
o
p
y**



SENATE MOTION

Madam President: I move that Senate Bill 483 be amended to read as follows:

Page 1, line 4, delete "or documents".

Page 1, line 4, delete "satisfy" and insert "**satisfies**".

Page 1, delete lines 5 through 17.

Page 2, delete lines 1 through 35, begin a new line block indented and insert:

"(1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.

(2) The document shows a photograph of the individual to whom the document was issued.

(3) The document includes an expiration date, and the document:

(A) is not expired; or

(B) expired after the date of the most recent general election.

(4) The document was issued by the United States or the state of Indiana.

SECTION 2. IC 3-10-1-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.2. (a) A voter who desires to vote an official ballot at a primary election shall provide proof of identification (as defined in IC 3-5-2-40.5).

(b) Before the voter proceeds to vote in a primary election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot."

Page 2, line 37, after "(a)" insert "A voter who desires to vote an

C
o
p
y



official ballot at an election shall provide proof of identification (as defined in IC 3-5-2-40.5).

(b) Before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e)".

Page 2, line 38, strike "admitted".

Page 2, line 39, strike "to the polls. Upon entering the polls, the" and insert **"instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The"**.

Page 3, line 3, strike "(b)" and insert **"(f)"**.

Page 3, delete lines 11 through 13.

Page 3, line 14, delete "(d)" and insert **"(g)"**.

Page 3, line 22, delete "present" and insert **"present, in addition to the proof of identification required under subsection (b),"**.

Page 3, line 23, delete "(e)" and insert **"(h)"**.

Page 3, line 24, delete "(e)" and insert **"(h)"**.

Page 3, line 25, after "42 U.S.C. 15483," insert **"in addition to the proof of identification required under subsection (b),"**.

Page 3, line 33, delete "(f)" and insert **"(i)"**.

Page 3, line 34, delete "(e)," and insert **"(h),"**.

Page 3, line 39, delete "(g)" and insert **"(j)"**.

Page 3, line 40, delete "(e)" and insert **"(h)"**.

Page 4, line 2, delete "(h)" and insert **"(k)"**.

Page 4, line 6, delete "(i)" and insert **"(l)"**.

Page 4, line 20, delete "(j)" and insert **"(m)"**.

Page 4, line 20, delete "(i):" and insert **"(l):"**.

Page 4, line 26, delete "(k)" and insert **"(n)"**.

Page 4, between lines 29 and 30, begin a new paragraph and insert:

C
o
p
y



"(b) A voter who desires to vote an official ballot at an election shall provide proof of identification (as defined in IC 3-5-2-40.5).

(b) Before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

~~(b)~~ (e)".

Page 4, line 31, strike "admitted to the polls. Upon entering the polls, the" and insert **"instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The"**.

Page 4, line 37, delete "(g)," and insert **"(i),"**.

Page 4, line 39, strike "(c)" and insert **"(f)"**.

Page 5, delete lines 5 through 7.

Page 5, line 8, delete "(e)" and insert **"(g)"**.

Page 5, line 16, delete "(f)" and insert **"(h)"**.

Page 5, line 16, strike "(c):" and insert **"(f):"**.

Page 5, line 22, delete "(g)" and insert **"(i)"**.

Page 5, delete lines 27 through 34, begin a new paragraph and insert:

"SECTION 5. IC 3-11-8-25.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.2. (a) This section applies after December 31, 2005.

(b) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the

**C
o
p
y**



voter that the voter must present, **in addition to the proof of identification required by section 25.1(b) of this chapter**, a piece of identification described in subsection (c) to the poll clerk.

(c) As required by 42 U.S.C. 15483, **and in addition to the proof of identification required by section 25.1(b) of this chapter**, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(d) If a voter presents a document under subsection (c), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(e) If a voter required to present documentation under subsection (c) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(f) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

SECTION 6. IC 3-11-8-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.5. If an individual signs the individual's name and either:

- (1) signs the individual's address; or
- (2) after December 31, 2005, checks the "Address Unchanged" box;

on the poll list under section 25 **or 25.1** of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

SECTION 7. IC 3-11-8-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. **(a) This section does not apply to a list kept by a poll clerk under section 10.5 of this chapter.**

(b) A precinct election board may not keep a poll list other than the poll list required by section 25 **or 25.1** of this chapter.

SECTION 8. IC 3-11-10-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

C
o
p
y



1, 2005]: **Sec. 1.2. An absentee voter is not required to provide proof of identification when:**

(1) mailing, delivering, or transmitting an absentee ballot under section 1 of this chapter; or

(2) voting before an absentee board under this chapter.

SECTION 9. IC 3-11-10-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. **(a)** If an absentee ballot is challenged under section 21 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person. ~~In all other respects~~

(b) Except as provided in subsection (c), the challenge procedure is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification (as defined in IC 3-5-2-40.5).

(d) If a proper affidavit is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, then the absentee ballot shall be placed in the ballot box.

SECTION 10. IC 3-11.5-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. **(a)** If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person. ~~In all other respects,~~

(b) Except as provided in subsection (c), the challenge procedure **under this section** is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification (as defined in IC 3-5-2-40.5).

~~(b)~~ **(d)** If a proper affidavit by a qualified person in the form required by IC 3-11-8-22 is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

~~(c)~~ **(e)** The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under section 11 of this chapter.

SECTION 11. IC 3-11.7-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. **(a)** The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.



C
o
p
y

(b) The form of the envelope is prescribed under IC 3-5-4-8. The envelope must permit a member of a precinct election board to indicate whether the voter has been issued a provisional ballot as the result of a challenge based on the voter's inability or declination to provide proof of identification under IC 3-5-2-40.5.

~~(b)~~ (c) Except as provided in subsection ~~(c)~~ (d) and in accordance with 42 U.S.C. 15482, the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

~~(c)~~ (d) This subsection applies to the sealed envelope and the affidavits affixed to the envelope of a provisional voter described in section 1(a)(3) of this chapter. As required by 42 U.S.C. 15482, the precinct election board shall keep the sealed envelope or container separate from the envelope or container described in subsection ~~(b)~~.

(c). The envelope or container described in this subsection must be labeled "Provisional Ballots Issued After Regular Poll Closing Hours".

SECTION 12. IC 3-11.7-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

(1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.

(2) The provisional voter is a qualified voter of the precinct **and has provided proof of identification, if required, under IC 3-10-1 or IC 3-11-8.**

(3) Based on all the information available to the county election board, including:

(A) information provided by the provisional voter;

(B) information contained in the county's voter registration records; and

(C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency

C
o
p
y



responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot. The board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) ~~This subsection applies after December 31, 2003:~~ Except as provided in section 5 of this chapter, a provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day.

SECTION 13. IC 3-11.7-5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. (a) A voter who:**

- (1) was challenged under IC 3-10-1 or IC 3-11-8 as a result of the voter's inability or declination to provide proof of identification as defined by IC 3-5-2-40.5; and**
- (2) cast a provisional ballot;**

may personally appear before the circuit court clerk or the county election board not later than the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.

(b) Except as provided in subsection (c) or (e), if the voter:

- (1) provides proof of identification (as defined in IC 3-5-2-40.5) to the circuit court clerk or county election board; and**
- (2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:**

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:

(1) the voter is the same individual who:

(A) personally appeared before the precinct election board; and

**C
O
P
Y**



- (B) cast the provisional ballot on election day; and
- (2) the voter:

- (A) is:

- (i) indigent; and
- (ii) unable to obtain proof of identification without the payment of a fee; or

- (B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board.

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

- (1) find that the voter's provisional ballot is valid; and
- (2) direct that:

- (A) the provisional ballot be opened under section 4 of this chapter; and

- (B) processed in accordance with this chapter.

(e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification (as defined in IC 3-5-2-40.5), the board shall:

- (1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and
- (2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

(f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

- (1) appear before the county election board; and
- (2) execute an affidavit in the manner prescribed by subsection (b) or (c);

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 14. IC 3-11.7-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) If the board determines that the affidavit executed by the provisional voter has not been properly executed, that the provisional voter is not a qualified voter of the precinct, **that the voter failed to provide proof of**

C
o
p
y



identification when required under IC 3-10-1 or IC 3-11-8, or that the provisional voter did not register to vote at a registration agency under this article on a date within the registration period, the board shall make the following findings:

- (1) The provisional ballot is invalid.
- (2) The provisional ballot may not be counted.
- (3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.
- (b) If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid".

Renumber all SECTIONS consecutively.

(Reference is to SB 483 as printed February 8, 2005.)

HEINOLD

**C
o
p
y**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 483, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "of".

Page 2, line 2, delete "A" and insert **"Except as provided in subsection (e), a"**.

Page 2, line 3, after "identification" insert ".".

Page 2, line 3, delete "(as".

Page 2, delete line 4.

Page 2, line 5, delete "Before" and insert **"Except as provided in subsection (e), before"**.

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in a primary election."

Page 2, line 22, delete "A" and insert **"Except as provided in subsection (e), a"**.

Page 2, line 24, after "identification" insert ".".

Page 2, line 24, delete "(as defined in IC 3-5-2-40.5)".

Page 2, line 25, delete "Before" and insert **"Except as provided in subsection (e), before"**.

Page 2, between lines 40 and 41, begin a new paragraph and insert:

"(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election."

Page 2, line 41, delete "(e)" and insert **"(f)"**.

Page 3, line 8, delete "(f)" and insert **"(g)"**.

Page 3, line 16, delete "(g)" and insert **"(h)"**.

Page 3, line 26, delete "(h)" and insert **"(i)"**.

Page 3, line 27, delete "(h)" and insert **"(i)"**.

Page 3, line 37, delete "(i)" and insert **"(j)"**.

Page 3, line 38, delete "(h)," and insert **"(i),"**.

Page 4, line 1, delete "(j)" and insert **"(k)"**.

Page 4, line 2, delete "(h)" and insert **"(i)"**.

Page 4, line 6, delete "(k)" and insert **"(l)"**.

Page 4, line 10, delete "(l)" and insert **"(m)"**.

Page 4, line 24, delete "(m)" and insert **"(n)"**.

C
o
p
y



Page 4, line 24, delete "(l):" and insert "**(m):**".

Page 4, line 30, delete "(n)" and insert "**(o)**".

Page 4, line 34, delete "A" and insert "**Except as provided in subsection (f), a**".

Page 4, line 35, after "identification" insert ".".

Page 4, line 35, delete "(as defined in IC 3-5-2-40.5)".

Page 4, line 36, delete "Before" and insert "**Except as provided in subsection (f), before**".

Page 5, between lines 9 and 10, begin a new paragraph and insert:

"(f) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election."

Page 5, line 10, delete "(f)" and insert "**(g)**".

Page 5, line 18, delete "(j)," and insert "**(l)**".

Page 5, line 20, delete "(g)" and insert "**(h)**".

Page 5, between lines 27 and 28, begin a new paragraph and insert:

"(i) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification."

Page 5, line 28, delete "(h)" and insert "**(j)**".

Page 5, line 36, delete "(i)" and insert "**(k)**".

Page 5, line 36, delete "(g):" and insert "**(h):**".

Page 5, line 42, delete "(j)" and insert "**(l)**".

Page 7, line 26, after "procedure" insert "**under this section**".

Page 7, line 29, after "identification" insert ".".

Page 7, line 29, delete "(as defined in IC 3-5-2-40.5)".

Page 8, line 1, after "identification" insert ".".

Page 8, line 1, delete "(as defined in IC 3-5-2-40.5)".

Page 8, line 15, delete "3-5-4-8." and insert "**3-6-4.1-14**".

Page 8, line 19, after "identification" insert ".".

Page 8, line 19, delete "under IC 3-5-2-40.5".

Page 9, line 31, after "identification" insert ";".

Page 9, line 31, delete "as defined by IC 3-5-2-40.5;".

Page 9, line 38, delete "(as defined in)".

Page 9, line 39, delete "IC 3-5-2-40.5)".

Page 10, line 31, delete ":" and insert "**the provisional ballot be:**".

Page 10, line 32, delete "the provisional ballot be".

Page 10, line 38, after "identification" insert ",".

Page 10, line 38, delete "(as defined in IC 3-5-2-40.5)".

Page 11, after line 25, begin a new paragraph and insert:

"SECTION 15. IC 9-24-16-10 IS AMENDED TO READ AS

C
o
p
y



FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter. **However, the bureau may not impose a fee for the issuance of:**

- (1) an original;
- (2) a renewal of an; or
- (3) a duplicate;

identification card.

SECTION 16. IC 9-29-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, **and** IC 9-24-14 ~~and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991)~~ shall be deposited daily with the treasurer of state and credited to the highway, road and street fund established under IC 8-14-2-2.1.

(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c), after June 30, 1997, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

- IC 9-29-4-3
- IC 9-29-5
- IC 9-29-9-1
- IC 9-29-9-2
- IC 9-29-9-3
- IC 9-29-9-4
- IC 9-29-9-5
- IC 9-29-9-6
- IC 9-29-9-7
- IC 9-29-9-8
- IC 9-29-9-9
- IC 9-29-9-10
- IC 9-29-9-11
- IC 9-29-9-13
- IC 9-29-9-14
- IC 9-29-15-1
- IC 9-29-15-2
- IC 9-29-15-3
- IC 9-29-15-4.

C
o
p
y



The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.

(c) The bureau's authority to adopt rules under subsection (b) is subject to the condition that a fee increase must be uniform throughout all license branches and at all partial service locations in Indiana.

SECTION 17. IC 9-29-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) Except as provided in subsections (b) and (c) or as otherwise provided in this chapter, the service charges collected under this chapter shall be deposited in the state license branch fund established under IC 9-29-14.

(b) Before July 1, 2019, one dollar and twenty-five cents (\$1.25) of each service charge increase established by a rule adopted under section 19 of this chapter before January 1, 2002, for services described in sections 4, 6, 7, 8, 9, 10, 11, 12, ~~14~~, and 18 of this chapter shall be deposited in the integrated public safety communications fund established by IC 5-26-4-1. After June 30, 2019, the amount described in this subsection shall be deposited in the state license branch fund as provided in subsection (a).

(c) Before July 1, 2019, one dollar and twenty-five cents (\$1.25) of each service charge established by a rule adopted under section 19 of this chapter before January 1, 2002, for services described in IC 9-29-15-1 shall be deposited in the integrated public safety communications fund established by IC 5-26-4-1. After June 30, 2019, the amount described in this subsection shall be deposited in the state license branch fund as provided in subsection (a).

SECTION 18. IC 9-29-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The fund consists of the following:

(1) Fifty cents (\$0.50) of each service charge or fee collected by license branches under the following:

- (A) IC 9-29-3-4.
- (B) IC 9-29-3-6.
- (C) IC 9-29-3-7.
- (D) IC 9-29-3-8.
- (E) IC 9-29-3-9.
- (F) IC 9-29-3-10.
- (G) IC 9-29-3-11.
- (H) IC 9-29-3-12.
- ~~(H)~~ ~~IC 9-29-3-14.~~
- ~~(H)~~ (I) IC 9-29-3-18.
- ~~(K)~~ (J) IC 9-29-15-1.
- ~~(K)~~ (K) IC 9-29-15-4.

C
o
p
y



(2) Money deposited with the approval of the budget agency in the fund from any part of:

(A) a service fee established under IC 9-29-3-19; or

(B) an increase of a service fee increased under IC 9-29-3-19.

(3) Money received from any other source, including appropriations.

SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 9-29-3-14; IC 9-29-9-15.

SECTION 20. [EFFECTIVE JULY 1, 2005] (a) **It is the intent of the general assembly that no fee or charge be imposed for the issuance of:**

(1) **an original;**

(2) **a renewal of an; or**

(3) **a duplicate;**

identification card.

(b) **140 IAC 8-3-20 is void. The publisher of the Indiana Administrative Code and the Indiana Register shall remove this section from the Indiana Administrative Code."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 483 as reprinted February 22, 2005.)

THOMAS, Chair

Committee Vote: yeas 7, nays 5.

C
O
P
Y



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 483 be amended to read as follows:

Page 12, line 3, after "Sec. 10." insert "(a)".

Page 12, line 10, delete "card." and insert "**card to an individual described in subsection (b).**

(b) An identification card must be issued without the payment of a fee or charge to an individual who:

(1) does not have a valid Indiana driver's license; and

(2) will be at least eighteen (18) years of age at the next general, municipal, or special election."

Page 12, delete lines 11 through 42.

Page 13, delete lines 1 through 42, begin a new paragraph and insert:

"SECTION 16. IC 9-29-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) **Except as provided in IC 9-24-16-10**, the service charge for an identification card issued under IC 9-24 is fifty cents (\$0.50) and one-half (1/2) of each fee collected as set forth in IC 9-29-9-15.

(b) Fifty cents (\$0.50) of each service charge collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

SECTION 17. IC 9-29-9-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. **Except as provided in IC 9-24-16-10**, the fees for the issuance, renewal, or duplication of identification cards under IC 9-24-16 are as follows:

(1) For a person at least sixty-five (65) years of age or a person with a physical disability and not entitled to obtain a driving license, two dollars (\$2).

(2) For any other eligible person, four dollars (\$4)."

Page 14 delete lines 1 through 10.

Page 14, line 17, delete "card." and insert "**card to an individual described in subsection (b).**

(b) An identification card must be issued without the payment of a fee or charge to an individual who:

(1) does not have a valid Indiana driver's license; and

(2) will be at least eighteen (18) years of age at the next general, municipal, or special election."

Page 14, delete lines 18 through 20, begin a new paragraph and insert:

"(c) Before January 1, 2006, the bureau of motor vehicles shall amend 140 IAC 8-3-20 to remove all fees and charges imposed for

ES 483—LS 7899/DI 75+



C
o
p
y

the issuance of an identification card to an individual described in subsection (b).

(d) This SECTION expires January 1, 2006."

Renumber all SECTIONS consecutively.

(Reference is to ESB 483 as printed March 15, 2005.)

THOMAS

**C
o
p
y**

